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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,314	02/09/2006	An Xue Yang	105SR-018	6118

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EXAMINER
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LEE, GUNYOUNG T

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/501,314

Applicant(s)

YANG, AN XUE

Examiner

Gunyoung T. Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Amendment***

2. Applicant's preliminary amendment filed on July 13, 2004 has been entered:
  - Claims 1-26 have been cancelled;
  - Claims 27-45 are added;
  - Claims 27-45 are pending in this application, with claim 27 being independent.

### ***Title***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: "Lamp reflector having a plurality of reflecting elements".

### ***Specification***

4. The specification is objected because the heading of each section (e.g. "BACKGROUND OF THE INVENTION") is omitted (see MPEP § 601).

### ***Claim Objections***

5. Claims 28 and 39 are objected to because of the following informalities:
  - The lines 2-3 of claim 28 are unclear;
  - On line 1 of claim 39, "20" should be changed to --twenty--.

Appropriate corrections are required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 27, 29, 31-33 and 41-42 are rejected under 35 U.S.C. 102(b) as being anticipated by McNamara (US 4,308,573).

8. In regard to claim 27, McNamara ('573) discloses a lamp fixture having:

- A light source (10) and a reflector (22) for reflecting light emitted from the light source (10);
- Wherein the reflector (22) has (Fig. 3) a non-circular section when viewed along a longitudinal axis of the lamp;
- Wherein the reflector (22) includes a series of reflection panels (22a-f);
- Wherein each reflection panel (22a-f) includes a plurality of distinct light reflection elements (col. 1, lines 58-61) formed thereon (diffusing elements as shown in Fig. 3), and each reflection panel (Fig. 5) is generally outwardly concave in form towards the light source (10).

9. McNamara ('573) further discloses:

- Wherein the reflection panels (22a-f) form sides of a truncated pyramid form (Fig. 5, Fig. 9);
- Wherein the reflector (22) has six panels (22a-f) and a flat front surface (Fig. 5);

- Wherein the light source (10) is enclosed in a chamber, the chamber (Fig. 1, Fig. 9) being located inside a generally truncated pyramidal space formed by the reflector (22).

10. Please note regarding claims 33 and 42 that statements with a term suggesting or making optional (i.e. "adapted for" and "adapted to" respectively) have been given little patentable weight, because the statements do not **positively** recite structural limitations (see MPEP § 2106).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 27 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordin (US 6,036,338) in view of McNamara (US 4,308,573).

13. In regard to claims 27 and 36-40, Gordin discloses a light fixture having:

- A light source (16) and a reflector (12) for reflecting light emitted from the light source (16);
- Wherein the reflector (12) includes a series of reflection panels (18);
- Wherein each reflection panel (18) includes a plurality of distinct light reflection elements (18F) formed thereon, and each reflection panel (18) is generally outwardly concave (Fig. 12B) in form towards the light source (16);

- Wherein each light reflection element (18F) includes a convex front surface (Fig. 12B) and elongates/extends (Fig. 12C) in a direction perpendicular to a longitudinal axis of the lamp;
- Wherein the light reflection elements (18F) are less than twenty (Fig. 12B) on each panel (18).

14. Gordin does not expressly disclose that the reflector has a non-circular section when viewed along a longitudinal axis of the lamp. McNamara ('573) discloses a lamp fixture having a reflector (22) with a non-circular section when viewed along a longitudinal axis of the lamp. Regarding the specific number (from eight to ten) of reflection elements in claim 40, it has been held that where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable value (i.e. the number of light reflection elements on each panes in claim 40) by routine experimentation (*In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the non-circular section as shown in McNamara ('573) with a proper number of light reflection elements on each panel for the light fixture of Gordin, for the purpose of providing illumination with desired optical characteristic and improved light reflection.

15. Claims 28 and 30 are, as best understood by Examiner, rejected under 35 U.S.C. 103(a) as being unpatentable over McNamara (US 4,308,573) in view of McNamara (US 3,812,342).

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16. In regard to claims 28 and 30, McNamara ('573) discloses the invention substantially as claimed except that the number of sides on each panel is not equal to the number of panels. McNamara ('342) discloses a light fixture having four panels (10), and each panel has a trapezoidal shape with four sides. In addition, it has been held by the courts that a change in shape or configuration, without any criticality, is nothing more than one of numerous shapes that one of ordinary skill in the art would find obvious to provide based on the suitability for the **intended final application** (*In re Dailey*, 149 USPQ 47 (CCPA 1966)). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the number and shape of reflector panels as shown in McNamara ('342) for the light fixture of McNamara ('573), for the purpose of providing desired lighting characteristics for different applications (e.g. ceiling light, flood light, etc.).

17. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNamara (US 4,308,573).

18. In regard claims 34-35, McNamara ('573) discloses the invention substantially as claimed. However, McNamara ('573) does not expressly disclose that a maximum cross-dimension of the light fixture is less than 100 mm. It has been held by the courts that a mere change in the size of a component does not make the claimed invention patentably distinguishable from the prior art, because a change in size is generally recognized as being within the level of ordinary skill in the art (*In re Rose*, 105 USPQ 237 (CCPA 1955)). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to set the maximum cross-dimension of McNamara ('573) less than 100 or 50 mm, for the purpose of providing the lighting device for a particular application requiring small dimensions.

19. Claims 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNamara (US 4,308,573) in view of Hentz et al. (US 5,690,423).

20. In regard claims 43-45, McNamara ('573) discloses the invention substantially as claimed except that the light fixture is retained in a position by a non-circular-sectioned circlip. Hentz et al. discloses a light fixture mounting device having a non-circular-sectioned circlip (150) to retain (col. 9, lines 36-38) a light fixture in a position, wherein the circlip has (Fig. 11) hexagonal shape. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the circlip of Hentz et al. for the light fixture of McNamara ('573), for the purpose of providing inexpensive, compact and volumetrically efficient light fixture mounting structures.

### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schilling (US 261,768), Moreau (US 2,242,590), and Stragnola (US 6,042,250) show lighting devices having a series of reflection panels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL  
11/13/2006



RENEE LUEBKE  
PRIMARY EXAMINER